

**STATE OF CONNECTICUT
CONNECTICUT EXAMINING BOARD FOR BARBERS,
HAIRDRESSERS AND COSMETICIANS**

Lisa DiStasio
10 Church Street
Naugatuck, Connecticut 06770

Petition No. 981028-000-065

Lic #041703

MEMORANDUM OF DECISION

Procedural Background

On July 27, 1999, the Department of Public Health ("the Department") presented the Connecticut Examining Board For Barbers, Hairdressers And Cosmeticians ("the Board") with a Statement of Charges ("the Charges") brought against Lisa DiStasio ("respondent") dated July 27, 1999. Dept. Exh. 2. The Charges, along with the Notice of Hearing, was sent to respondent by certified mail, return receipt requested, and first class mail on November 8, 1999. Dept. Exh. 2.

Respondent did not file an Answer.

On December 6, 1999, the Board held an administrative hearing to adjudicate respondent's case. Respondent failed to appear and was not represented by counsel; Leslie S. Scoville, Esq., represented the Department. At the hearing, the Department moved to deem all factual allegations contained in the Charges admitted because respondent failed to file an Answer. The Board granted the motion. Tr. 6.

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 (the Uniform Administrative Procedure Act) and the Regulations of Connecticut State Agencies ("the Regulations") §19a-9-1, *et seq.* All Board members involved in this decision received copies of the entire record. All Board members involved in this decision attest that they have heard the case or read the record in its entirety. This decision is based entirely on the record.

Allegations

1. In paragraph 1 of the Charges, the Department alleges that respondent has at no time been issued a license by the Department to practice hairdressing and cosmetology.
2. In paragraph 2 of the Charges, the Department alleges that respondent owns and manages *Lisa A New Dimension in Nails*, a nail salon in Naugatuck, and has done so at all times relevant to the Charges.
3. In paragraph 3 of the Charges, the Department alleges that during the time period of October and November of 1998, respondent's salon offered services that constitute the practice of hairdressing and cosmetology (*i.e.*, pedicures) without employing a person having a valid license to do so.
4. In paragraph 4 of the Charges, the Department alleges that respondent's conduct violates section 20-252 of the of the Connecticut General Statutes.

Findings of Fact

1. The Department provided sufficient and reasonable notice to respondent of the Charges and of the hearing. Dept. Exh. 2.
2. Respondent did not file an Answer.
3. All of the factual allegations contained in the Charges are deemed admitted. In particular, respondent engaged in the following conduct:
 - a. Respondent has at no time been issued a license by the Department to practice hairdressing and cosmetology;
 - b. Respondent owns and manages *Lisa A New Dimension in Nails* ("the salon"), a nail salon in Naugatuck, and has done so at all times relevant to the Charges;
 - c. During the time period of October and November of 1998, the salon offered services that constitute the practice of hairdressing and cosmetology (*i.e.*, pedicures) without employing a person having a valid license to do so. Tr. p. 11.

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S.Ct. 999, *reh'g denied*, 451 U.S. 9333 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995.

Section 19a-10 of the Connecticut General Statutes provides: "Any board . . . may conduct hearings on any matter within their statutory jurisdiction. Such hearings shall be conducted in accordance with Chapter 54 and the regulations established by the Commissioner of Public Health."

Section 19a-11 of the Connecticut General Statutes provides: "Any board . . . may, in its discretion, issue an appropriate order to any person found to be violating an applicable statute or regulation, providing for the immediate discontinuance of the violation."

Section 20-252 of the Connecticut General Statutes provides: "No person shall engage in the occupation of registered hairdresser and cosmetician without having obtained a license from the [D]epartment."

The Board finds that the Department has sustained its burden of proof with regard to all of the allegations in the Charges. As set forth above, respondent failed to file an Answer or even appear at the hearing. The Department moved that the allegations be deemed admitted pursuant to sections 19a-9-19 and 19a-9-20 of the Regulations on the grounds that respondent had not filed an Answer. The Department's motion was granted and the allegations contained in the Charges were deemed to be true. The factual findings constitute violations of the Regulations.

Accordingly, the Board finds that respondent violated §20-252 of the Connecticut General Statutes.

Order

Pursuant to the authority vested in it by §19a-11 of the Connecticut General Statutes, the Board orders that respondent immediately cease and desist from participating as a hairdresser and cosmetician (*i.e.*, pedicures) until properly licensed.

Connecticut Examining Board for
Barbers, Hairdressers and Cosmeticians

6/12/00

Date

Kathleen F. Kiernan

By: Kathleen F. Kiernan, Chairperson
Connecticut Examining Board for Barbers,
Hairdressers, and Cosmeticians